



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 20 2004

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Ms. Lakeisha R. Harrison
American Petroleum Institute
1220 L Street, NW
Washington, D.C. 20005

Dear Ms. Harrison:

Thank you for your letter of August 17, 2004, regarding the Methods Innovation Rule and the RCRA Waste Sampling Draft Technical Guidance (TG). In your letter, you expressed the concerns and interests of many companies and associations regarding the draft TG. You also request that the draft TG be withdrawn until necessary modifications are made. We understand your concerns on analytical characterization and will take your comments, and all the comments received during the comment period into consideration.

The Agency released the TG through a *Notice of Data Availability (NODA)* simultaneously with the Methods Innovation Rule (MIR). The guidance was released specifically for public review and comment on October 30, 2002 (67 FR 66251-66301) and is still a draft guidance document. There is no reason to "withdraw" the guidance, since it is not a final document. The Agency will be revising the guidance in the near future. As a procedural matter, we have placed completion of the MIR final rule on a separate track from the finalization of the new sampling guidance document. Based on the numerous comments received including yours, additional time is needed to adequately address all scientific and legal concerns with the draft guidance. Until we make a final decision on the guidance, Chapter Nine is the applicable guidance.

If you need more specific information, your staff may contact Kim Kirkland of my staff at 703-308-0490.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Matt Hale", is written over the typed name.

Matt Hale, Director
Office of Solid Waste